IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

IN RE:

\$ Case No. 16-42312

Marla Dena Lee
\$ Chapter 13

Debtor,
\$

RESPONSE (OPPOSITION) OF BSI FINANCIAL SERVICES AS MORTGAGE SERVICER FOR U.S. BANK TRUST N.A. TO TRUSTEE'S NOTICE OF AMOUNT DEEMED NECESSARY TO CURE MORTGAGE ARREARS [Doc. #119]

COMES NOW, BSI Financial Services ("BSI") as Mortgage Servicer for U.S. Bank Trust National Association, as Trustee of the Bungalow Series F Trust ("Creditor"), who, for its Response to the Trustee's Notice of Amount Deemed Necessary to Cure Mortgage Arrears-Mid Case] [Doc. #119], would show the Court as follows:

- 1. Creditor <u>agrees</u> with the Trustee's Notice as to Pre Petition Arrearage, Court Claim #4, Trustee Claim #1 and that the principal amount necessary to cure the pre-petition mortgage arrearage claim to be paid by the Trustee is \$0.00 as of the Date of the Trustee's Notice, having paid \$1,000.00 on said claim as of the date of Trustee's Notice.
- 2. Creditor <u>does not agree</u> with the Trustee's Notice as to Post-Petition Arrearage, Court Claim #4, Trustee Claim #20 and that the principal amount necessary to cure the post-petition mortgage arrearage claim to be paid by Debtor directly is \$55,560.39 as of the Date of the Trustee's Notice, having paid \$0.00 on said claim as of the date of Trustee's Notice. On May 25, 2018, Creditor had filed an response to a previous Trustees Notice of Amount Deemed Necessary to Cure (Docket #71) and stated that

Debtor was behind on their post petition payments in the total amount of \$44,065.93. On November 20, 2018 Creditor subsequently filed a Motion for Relief from Automatic Stay and claimed that as of November 1, 2018 Debtor was then due for \$55,560.39. Debtor then entered into a Trial Modification Plan pending a final loan modification to be approved by the Court with Creditor to resolve the post-petition arrears. On July 7, 2019 Creditor sent notice to Debtor that the final loan modification had been denied due to a failure to provide an executed modification agreement. Debtor also failed to file a Motion with the Court to approve the final modification.

2. As to Court Claim #4, Trustee Claim #2, Creditor states that the Debtor is not current on all post petition payments consistent with 11 U.S.C. § 1322(b)(5) of the Bankruptcy code, including all fees, charges, expenses, escrow, and costs. In addition to the post petition arrears, Debtor's next payment to Creditor is due for June 1, 2019, as of the date this response is filed. Attached hereto as Exhibit "A" is a current post-petition pay history.

Respectfully submitted,

/S/RICHARD E. ANDERSON

Richard E. Anderson State Bar No. 01209010 Anderson Vela, LLP 4920 Westport Drive The Colony, Texas 75056 (214) 276-1545, Ext. 207 - Phone (214) 276-1546 - Fax RAnderson@Andersonvela.com Attorney for Creditor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the RESPONSE OF CREDITOR IN RESPONSE TO TRUSTEE'S NOTICE OF AMOUNT DEEMED NECESSARY TO CURE MORTGAGE ARREARS was served on the 12th day of March, 2020. Said Response was filed electronically. Service was accomplished by the method and to the following as indicated.

/S/RICHARD E. ANDERSON Richard E. Anderson

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

DEBTOR

Marla Dena Lee 1941 Forest Park Blvd Fort Worth, Texas 76110

DEBTOR'S ATTORNEY

Wally Woodrow Wadsworth Wadsworth Law Firm 606 W. Wheatland Rd. Suite 107 Duncanville, Texas 75116

TRUSTEE

Tim Truman 6851 N.E. Loop 820, Suite 300 N. Richland Hills, TX 76180

U.S. TRUSTEE

U.S. Trustee 1100 Commerce Street Room 976 Dallas, Texas 75242

CREDITOR ATTORNEY

representing

Kristen Leigh Baker

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(713) 351-0381 (fax)

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Assigned: 08/17/2016

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Tarrant County

(Creditor)

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Assigned: 11/21/2016

Seterus Inc.

PO BOX 1047

Hartford, CT 06143

(Creditor)

representing

representing

Select Portfolio Servicing, Inc

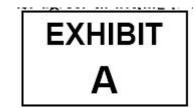
(Creditor)

By: /s/ Richard Anderson

RICHARD E. ANDERSON



| Payment Changes | | | | | | | | |
|-----------------|------------|------------|------------|--------------|--|--|--|--|
| Date | P&I | Escrow | Total | Notice Filed | | | | |
| 7/1/2016 | \$1,047.85 | \$868.06 | \$1,915.91 | Per System | | | | |
| 11/1/2019 | \$1,047.85 | \$1,166.23 | \$2,214.08 | 10/10/2019 | | | | |
| | | \$0.00 | | | | | | |
| | | \$0.00 | | | | | | |
| | | \$0.00 | | | | | | |
| | | \$0.00 | | | | | | |



| Loan Information | | | | | | |
|---------------------|-----------|--|--|--|--|--|
| Loan # | | | | | | |
| Borrower | Lee | | | | | |
| BK Case # | 16-42312 | | | | | |
| Date Filed | 6/11/2016 | | | | | |
| First Post Petition | | | | | | |
| Due Date | 7/1/2016 | | | | | |
| | | | | | | |

3/1/15-6/1/16 POC filed by DA

| Date | Amount Rcvd | Post Pet Due Date | Contractual Due Date | Amt Due | Over/Short | Suspense Credit | Suspense Debit | Suspense Balance | POC Arrears Credit | POC Debit | POC Suspense Balance | POC Paid to Date | Comments |
|-------------------|-------------|-------------------|-----------------------|------------|--------------|-----------------|----------------|------------------|--------------------|-----------|----------------------|------------------|----------|
| 4/4/2017 | | Trustee Payment | | | \$0.00 | | | \$0.00 | \$1,000.00 | | \$1,000.00 | \$1,000.00 | |
| 12/18/2018 | \$1,794.47 | suspense | | | \$1,794.47 | \$1,794.47 | | \$1,794.47 | | | \$1,000.00 | \$1,000.00 | |
| | | | | | | | | | | | | | |
| | | | due to TPP and resume | | | | | | | | | | |
| | | | to completed loan mod | | | | | | | | | | |
| | | | | | \$0.00 | | | \$1,794.47 | | | \$1,000.00 | | |
| 1/15/2019 | \$1,794.47 | 1/1/2019 | 3/1/2015 | \$1,915.91 | -\$121.44 | • | \$121.44 | \$1,673.03 | | | \$1,000.00 | \$1,000.00 | |
| 2/8/2019 | \$1,794.47 | 2/1/2019 | 4/1/2015 | \$1,915.91 | -\$121.44 | • | \$121.44 | \$1,551.59 | | | \$1,000.00 | \$1,000.00 | |
| 3/8/2019 | \$1,794.47 | 3/1/2019 | 5/1/2015 | \$1,915.91 | -\$121.44 | | \$121.44 | \$1,430.15 | | | \$1,000.00 | \$1,000.00 | |
| 4/26/2019 | \$1,827.47 | 4/1/2019 | 6/1/2015 | \$1,915.91 | -\$88.44 | • | \$88.44 | \$1,341.71 | | | \$1,000.00 | \$1,000.00 | |
| 5/31/2019 | \$1,052.78 | 5/1/2019 | 7/1/2015 | \$1,915.91 | -\$863.13 | | \$863.13 | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | | | | \$0.00 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | | | | \$0.00 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
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| | | -1-1 | | | \$0.00 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| Post petition due | | 6/1/2019 | | \$2,214.08 | -\$2,214.08 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 7/1/2019 | | \$2,214.08 | -\$4,428.16 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 8/1/2019 | | \$2,214.08 | -\$6,642.24 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 9/1/2019 | | \$2,214.08 | -\$8,856.32 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 10/1/2019 | | \$2,214.08 | -\$11,070.40 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 11/1/2019 | | \$2,214.08 | -\$13,284.48 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 12/1/2019 | | \$2,214.08 | -\$15,498.56 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | 1/1/2020 | | \$2,214.08 | -\$17,712.64 | • | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | | | | | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
| | | | | | \$0.00 | | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |
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| | | | | | \$0.00 | 1 | | \$478.58 | | | \$1,000.00 | \$1,000.00 | |